

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL DOCKET NO.: 3:01CV227-V

PAUL DAMERON MIDGETT,  
Plaintiff,

vs.

MECKLENBURG COUNTY, a political  
subdivision; JIM PENDERGRAPH, individually  
and in his position as sergeant, Mecklenburg  
County Sheriff's Office; DOLTIEA F. THIGPEN,  
individually and in her capacity as officer,  
Mecklenburg County Sheriff's Office;  
AERRIS B. SMITH, individually and in his  
capacity as officer, Mecklenburg County  
Sheriff's Office; RODNEY M. COLLINS,  
individually and in his capacity as captain,  
Mecklenburg County Sheriff's Office, and  
GABRIEL HILL, individually and in his  
capacity as officer, Mecklenburg  
County Sheriff's Office,  
PEERLESS INSURANCE CO.,  
Defendants.

ORDER

**THIS MATTER** comes before the Court on Plaintiff's Motion For De Novo Review Of Magistrate Judge's Denial Of Motion To Remove Womble Carlyle Sandridge & Rice, filed April 5, 2005, and Defendants' Response, filed April 11, 2005. (Documents #59, #60)

Plaintiff seeks *de novo* review of Magistrate Judge Keesler's Order denying Plaintiff's Motion For Disqualification Of Defense Counsel, namely, Womble Carlyle Sandridge & Rice. (Document #56)

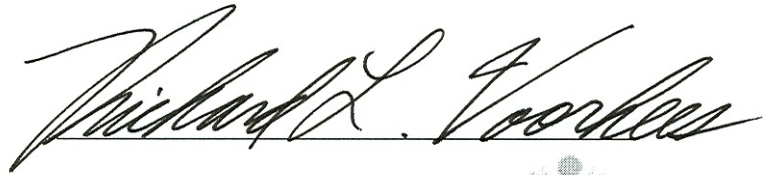
For the reasons cited within Defendants' memorandum of law in opposition, Plaintiff's Motion For De Novo Review Of Magistrate Judge's Denial Of Motion To Remove Womble Carlyle Sandridge & Rice will be summarily denied. Moreover, to the extent Plaintiff seeks a review of the Magistrate Judge's ruling pursuant to 28 U.S.C.

§636(b)(1)(A), which subjects the decision to a “clearly erroneous or contrary to law” standard, the Court likewise rejects Plaintiff’s objections to the Magistrate Judge’s March 22, 2005 Order. 28 U.S.C. § 636(b)(1)(A); FED. R. CIV. P. 72(a).

**IT IS, THEREFORE, ORDERED THAT:**

1) Plaintiff’s Motion To Remove Womble, Carlyle, Sandridge, and Rice is hereby **DENIED.**

**Signed: June 16, 2005**

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is written in a cursive style with a horizontal line underneath the name.

Richard L. Voorhees  
United States District Judge

